

**OFFICE OF THE GOVERNOR
STATE OF HAWAII**

FOURTH SUPPLEMENTARY PROCLAMATION

By the authority vested in me as Governor by the Constitution and laws of the State of Hawaii, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, LINDA LINGLE, Governor of the State of Hawaii, hereby determine, designate and proclaim as follows:

WHEREAS, it has become necessary to supplement my Proclamation of July 6, 2006 and Supplementary Proclamations of July 17, 2006, September 8, 2006, and July 3, 2007 relating to homeless individuals on the Leeward Coast, the need to create temporary shelters for such homeless individuals, and the need to provide health and social services to those individuals; and

WHEREAS, this Fourth Supplementary Proclamation is necessary in order to provide for secure, safe, and sanitary shelter for a large number of homeless individuals on the Leeward Coast and to provide needed health and social services to such individuals; and

WHEREAS, in May 2006, approximately 2,534 homeless individuals on the Leeward Coast of Oahu in the City and County of Honolulu were receiving services from the State, and of that number approximately 942 were children; and

WHEREAS, as of February 29, 2008, those numbers have risen to approximately 3,877 homeless individuals on the Leeward Coast documented as receiving services from the State, with approximately 1,384 of them being children; and

WHEREAS, many homeless on the Leeward Coast are not engaged in State services, so the total number of homeless in the area is reasonably expected to be higher than 3,877; and

WHEREAS, even with these concerted outreach efforts, the actual numbers of homeless individuals is anticipated to be higher as not all individuals were captured in this effort; and

WHEREAS, in the fall of 2006, the City and County of Honolulu proceeded to close and renovate beach parks along the Leeward Coast; and

WHEREAS, most of the homeless on the Leeward Coast were living on the beaches along the Leeward Coast in public parks and elsewhere; and

WHEREAS, the comfort stations at these public parks are not made for and are inadequate to service the needs of the homeless population, such that human waste has been observed on Leeward Coast beaches on sand and rocks, and in the parks around the comfort facilities, posing a threat to human health and safety and the environment; and

WHEREAS, the efforts of the City and County of Honolulu in keeping the homeless off the beaches and out of public parks continues; and

WHEREAS, given the number of homeless on the Leeward Coast, there remains an exacerbated threat to human health and safety, and to the environment on the Leeward Coast; and

WHEREAS, the various closures of beach parks and their facilities along the Leeward Coast displaced homeless individuals and families, including many children, who had taken to living on the beaches and in beach parks and using inadequate shower and toilet facilities; and

WHEREAS, based on the foregoing, I issued my proclamations of July 6, 2006, July 17, 2006, September 8, 2006, and July 3, 2007 to provide, on an expedited emergency basis, the needed homeless shelters and programs to address the immediate health and safety needs of the homeless individuals living on the Leeward Coast as well as the health and safety needs of individuals of the surrounding communities; and

WHEREAS, as a result of my proclamations, the expedited construction of the Onelau'ena, Pai'olu Kaiaulu and Kahikolu Ohana Hale O Wai'anae homeless projects were made possible, as well as the expansion of the Onemalu shelter; and

WHEREAS, as of February 29, 2008, the Onelau'ena and Pai'olu Kaiaulu shelters alone have served 1,496 individuals; and

WHEREAS, the growing homeless population continues to outpace the number of individuals the State is able to service with shelters currently in use; and

WHEREAS, there is a shelter project currently under construction in Ma'ili, Oahu, and another shelter project involving the refurbishment of Building 36 in Kalaeloa, both proceeding with the aid of the expedited process enabled by my earlier proclamations but which will not be completed until after the existing proclamations will have expired; and

WHEREAS, Kahikolu Ohana Hale O Wai'anae is nearing completion but will also benefit from additional aid of the expedited process enabled by this supplementary proclamation; and

WHEREAS, the Ma'ili and Building 36 projects are designed to add a total of approximately 150 living units to the homeless shelter inventory, and Kahikolu Ohana Hale O Wai'anae is expected to provide approximately 72 living units;

WHEREAS, these projects will also provide for programming space for preschool, foster care, job and life skills training and other services designed to address the specific needs of homeless individuals and to assure the successful transition of these individuals to independent living; and

WHEREAS, the completion of the Ma'ili, Building 36 and Kahikolu Ohana Hale O Wai'anae projects is necessary to protect the health and safety of not only the homeless individuals on the Leeward Coast, but all members of the Leeward Coast community as well; and

WHEREAS, it has therefore become necessary to supplement my Proclamations of July 6, 2006, July 17, 2006, September 8, 2006 and July 3, 2007 to allow further time to complete the Ma'ili, Building 36 and Kahikolu Ohana Hale O Wai'anae projects for the emergency, temporary and/or transitional shelter of homeless persons in the areas of the Leeward Coast of Oahu in the City and County of Honolulu, State of Hawaii, and to provide needed health and social services to those individuals;


NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, hereby supplement my proclamation and supplementary proclamations of July 6, 2006, July 17, 2006, September 8, 2006 and July 3, 2007 and pursuant to sections 127-10, 128-8(4), 128-9(8), 128-10(10), and 128-10(15), Hawaii Revised Statutes, in order to provide the necessary relief and assistance, shelter for homeless persons, and needed health and social services to those individuals, suspend, as allowed by federal law, the following laws, as they may relate to the Ma'ili, Building 36, and Kahikolu Ohana Hale O Wai'anae projects:

1. Section 6E-8, Review of effect of proposed State projects;
2. Section 6E-9, Investigation, recording, preservation, and salvage; appropriations;
3. Section 37-74(d), Transfer of funds between departments;
4. Section 40-66, Lapsing of appropriations;
5. Chapter 46, Counties
6. Section 102-2, Contracts for concessions; bid requirements;
7. Section 103-8.5, Works of art special fund;
8. Chapter 103F, Purchases of health and human services;
9. Chapter 104, Wages and Hours of Employees on Public Works;
10. Chapter 205, Land Use Commission;
11. Chapter 206E, Hawaii Community Development Authority;
12. Chapter 343, Environmental Impact Statements;
13. Chapter 342D, Water Pollution; and
14. Section 464-4, Public works,


I FURTHER DECLARE that the disaster emergency relief period which began on July 6, 2006 and which was set to expire on June 30, 2008, is further extended through December 31, 2008. Except to amend the effective date, to reduce the number of laws waived for the purposes set forth herein, and to narrow the applicability of this supplementary proclamation to the Ma'ili project, the Building 36 project, and the Kahikolu Ohana Hale O Wai'anae project, all justifications, provisions and requirements of my proclamation and supplementary proclamations of July 6, 2006, July 17, 2006, September 8, 2006 and July 3, 2007 remain in full force and

effect and to the extent that said provisions are not included herein, they are made applicable to this Supplementary Proclamation.

Done at the State Capitol, State of Hawaii,
this 27th day of June 2008.



LINDA LINGLE
Governor of Hawaii

APPROVED:


MARK J. BENNETT
Attorney General
State of Hawaii